

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kirstyn Niemela, (3/19/1988)

Stefanie Nicole Chiguer, (9/17/1985)

Case No.

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of \_\_\_\_\_ in the  
 \_\_\_\_\_ in the District of Columbia, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds

18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds

40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building

40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.


Complainant's signature

Mark A. Hastbacka, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
 by telephone.

Date: 01/14/2022

G. Michael Harvey

Digitally signed by G. Michael Harvey  
Date: 2022.01.14 12:43:55 -05'00'

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

Your affiant, Mark A. Hastbacka, is a Special Agent assigned to the Federal Bureau of Investigation (FBI), Boston Division, Bedford (New Hampshire) Resident Agency. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

**IDENTIFICATION OF KIRSTYN NIEMELA AND  
STEFANIE NICOLE CHIGUER AND THEIR INVOLVEMENT  
IN THE EVENTS OF JANUARY 6, 2021**

On or around January 7, 2021, the FBI received a text tip that KIRSTYN NIEMELA may have been involved in the events of January 6, 2021. Specifically, the tipster stated that he/she was unsure if NIEMELA was “directly part of the riots, but she’s currently there and has posted numerous live videos on her FB [Facebook] page.” The tipster also indicated that NIEMELA posted, “grab your popcorn... it’s coming....” Some of the language in the tip appeared to be cut off and was not available to the FBI. The text tip was anonymous and did not provide information as to how the tipster knew or was familiar with NIEMELA.

On June 13, 2021, the FBI received an additional tip from Witness-1 (W-1). W-1 reported that they and NIEMELA were friends months ago, but they distanced themselves from NIEMELA because of her rhetoric. They indicated they talked to her two weeks earlier and NIEMELA indicated she was “going to take back the country.” NIEMELA told W-1 she was in Washington, D.C. on January 6, 2021 and she showed them a video of her breaking a window in the Capitol building. She also mentioned to them that she was a member of the Proud Boys. W-1 also claimed that NIEMELA stated that “there is something big coming... [that] the whole nation will watch it happen.” W-1 mentioned that NIEMELA “carries a[n] illegal handgun with her at all times.” W-1 also listed NIEMELA’s phone number as a telephone number ending in 7169.

During the course of further investigation, law enforcement has identified Facebook postings wherein a woman believed to be NIEMELA can be seen in photos outside the U.S. Capitol on January 6, 2021, wearing an American flag as a cape, sunglasses, and a black sweatshirt that reads “We the People ARE PISSED OFF.” In both Facebook photos, this woman can be seen with another woman in an identical sweatshirt. In one posted photograph, the women are seen with two men:

These are the people from Kansas that was there when the girl got shot. Interview them. We did.



**Witness #1**

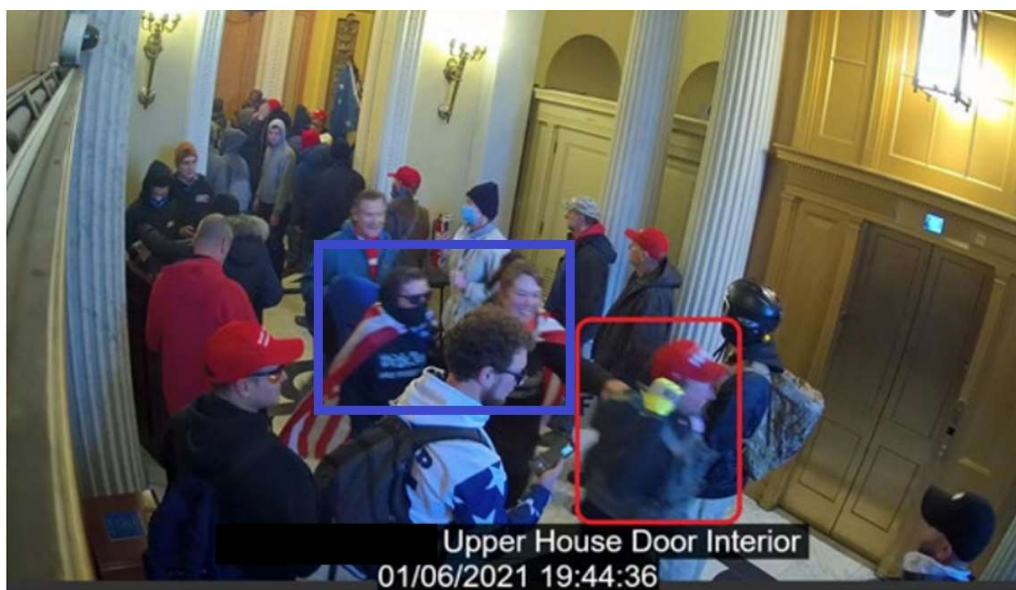
W-1 was interviewed by agents with the FBI on November 4, 2021, and acknowledged they had a falling out with NIEMELA because of a personal matter, and that they had distanced themselves from NIEMELA because they were a felon and didn't want trouble. W-1 stated they had known NIEMELA for approximately five years and had lived with her and her mother two years ago for approximately four months. W-1 stated NIEMELA told them that she and her girlfriend had participated in the U.S. Capitol riot of January 6, 2021, and showed them a video on her cell phone claiming it to be from the riots. W-1 also stated they could only make out feet and legs in the video NIEMELA showed them. W-1 advised that the girlfriend NIEMELA was referencing in the conversation was "Stefanie", who lived in Dracut, MA, and whom W-1 had met a couple of times. W-1 was shown a series of 14 still photographs taken from within the United States Capitol and identified NIEMELA (on the right in both photos) and "Stefanie" (next to NIEMELA without a hat) in the two Facebook photographs posted by others:

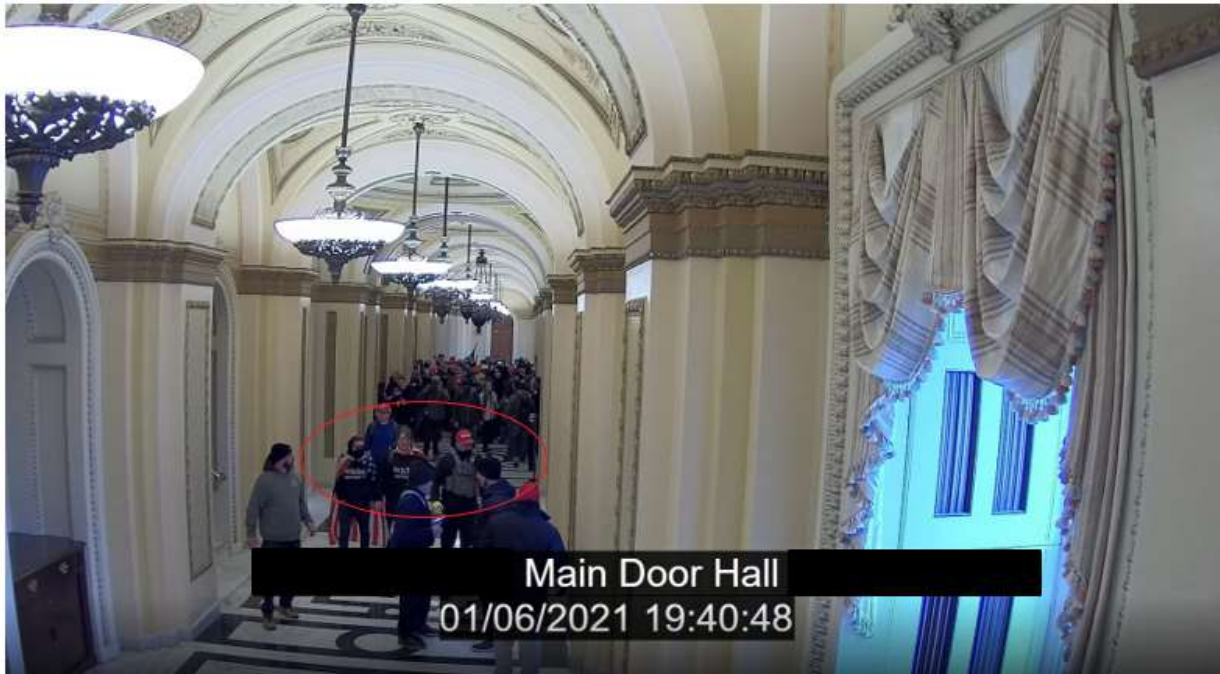


Through open-source research, the FBI identified the man wearing the red cap, neon gloves, and body armor as MICHAEL ECKERMAN of Wichita, KS. ECKERMAN has since been indicted in the District of Columbia for his part in the riots occurring on January 6, 2021 (Case No. 21-CR-623[CRC]).

W-1 positively identified both NIEMELA and “Stefanie” (in the blue square in the first photo below and circled in red in the second and third photos below) in screengrabs from footage from inside the United States Capitol:







After W-1 provided the name of “Stefanie” and information that they believed she was from Dracut, MA, law enforcement was able to identify a STEFANIE NICOLE CHIGUER. Specifically, I found a police incident report that showed that on or about September 4, 2021, the Dracut, MA Police Department responded to the residence of STEFANIE NICOLE CHIGUER, in Dracut, MA for a domestic dispute between CHIGUER and NIEMELA. I obtained a State of Massachusetts driver’s license photo for CHIGUER and CHIGUER appears to be the same person as the female with NIEMELA in the images from January 6.

### **Witness #2**

An additional tip was provided to law enforcement by Witness-2 (W-2). W-2 reported seeing posts and pictures on Facebook posted by NIEMELA. W-2 stated they were a relative of NIEMELA, and stated NIEMELA posted several pictures of herself in the crowd of people with the Capitol building and other landmarks in the background. NIEMELA referred to a line she and many others stood in to make it in. W-2 said that since returning home, NIEMELA was almost always in a Facebook chatroom.

W-2 was interviewed by agents of the FBI, on or about November 5, 2021. W-2 stated they saw NIEMELA’s posting on Facebook before NIEMELA’s accounts were taken down. W-2 stated NIEMELA was posting on Facebook the day of the United States Capitol riot on January 6, 2021, under her real name, from the United States Capitol. W-2 did not see any posting made from inside the United States Capitol, but did provide a CNN video they found on the internet which captured NIEMELA walking around inside the United States Capitol Rotunda on the afternoon of January 6, 2021. W-2 was shown a series of 14 still photographs taken from within the United States Capitol. W-2 positively identified NIEMELA in several photographs including the two photographs posted on Facebook seen on page 4 of this affidavit.



From the still photographs taken from the security cameras within the United States Capitol, W-2 positively identified NIEMELA in six photographs inside the United States Capitol, two of which are depicted below, as well as one taken from open source media.

Specifically, W-2 positively identified NIEMELA (as the individual on the right of the blue square wearing sunglasses):



W-2 also positively identified NIEMELA in the photograph below (female with sunglasses on the right of the image).





In addition, W-2 provided the FBI with video footage from CNN that captured NIEMELA (the screen grab below includes NIEMELA, CHIGUER, and Eckerman from left to right) walking inside the Rotunda of the United States Capitol on January 6, 2021:



A telephone number ending in 7169 has been linked to NIEMELA through tip reporting, as well as through various law enforcement databases and open source searches. According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incidents described herein, the cellphone associated with this telephone number was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

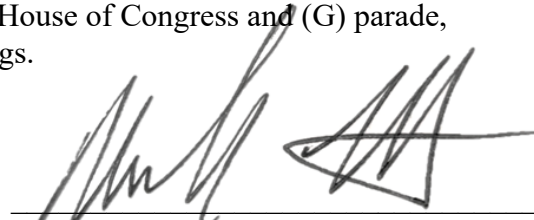
During the course of the investigation, law enforcement identified a Verizon phone number ending in 1187 that is believed to be used by CHIGUER. According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone ending in 1187 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

Michael Eckerman's telephone was seized on September 17, 2021 by the FBI pursuant to a search warrant issued by a federal judge in the District of Kansas. Upon searching the telephone for pertinent evidence within the scope of the search warrant, a text chain was found which included the telephone number ending in 7169, identified by W-1 as belonging to NIEMELA. NIEMELA texted that the photographs being used by another group member were from her (NIEMELA's) Facebook page. A telephone number ending in 1187 was also included in the chain, and photographs from January 6<sup>th</sup> were sent to the group from that number which is believed used by CHIGUER.

According to records obtained through a search warrant which was served on Google, mobile device(s) associated with variations of NIEMELA's name were present at the U.S. Capitol on January 6, 2021. Google reports that its "maps display radius" reflects the actual location of the covered device approximately 68% of the time.

Based on the foregoing, your affiant submits that there is probable cause to believe that KIRSTYN NIEMELA and STEFANIE CHIGUER violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that KIRSTYN NIEMELA and STEFANIE CHIGUER violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

  
\_\_\_\_\_  
Mark A. Hastbacka  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14<sup>th</sup> day of January 2022.

\_\_\_\_\_  
HONORABLE G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE

## UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America

v.

Kirstyn Niemela

Case No.

\_\_\_\_\_  
*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) Kirstyn Niemela,  
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds  
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds  
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building  
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

Date: 01/14/2022

G. Michael Harvey

Digitally signed by G. Michael Harvey

Date: 2022.01.14 12:44:32 -05'00'

Issuing officer's signature

City and state: Washington, D.C.G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title